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EXAMINER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALOK K. SAXENA, DON WAHLSTROM, and FAROOQ BARI

Appeal 2009-006182
Application 09/987,955
Technology Center 2400

Before JEAN R. HOMERE, ST. JOHN COURTENAY III, and
STEPHEN C. SIU, *Administrative Patent Judges*.

COURTENAY, *Administrative Patent Judge*.

DECISION ON APPEAL¹

STATEMENT OF THE CASE

Appellants seek our review under 35 U.S.C. § 134 of the Examiner's final decision rejecting claims 1-3, 5-7, 9, 10, 13-18, 21-30, and 32. Claims

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, or for filing a request for rehearing, as recited in 37 C.F.R. § 41.52, begins to run from the "MAIL DATE" (paper delivery mode) or the "NOTIFICATION DATE" (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

4, 8, 11, 12, 19, 20, and 31 have been cancelled. We have jurisdiction over the appeal under 35 U.S.C. § 6(b).

We Reverse.

Claim 1 is illustrative:

1. A call context processor operable in a wireless communication system having a base and a remote unit wherein the call context processor is operable in the base, the call context processor comprising:

a header extractor configured to extract a header from information extracted from initial call establishment negotiation;

a header compressor configured to compress only relevant portions of the extracted header, the relevant portions comprising a payload type header field; and

an identification module configured to establish context identification using the compressed relevant portions of the header wherein the base *transfers the associated payload and payload type header portion, less than the entire header*, to the remote unit. (emphasis added).

Appellants appeal the following rejection:

Claims 1-3, 5-7, 9, 10, 13-18, 21-30, and 32 under 35 U.S.C. § 103(a) as unpatentable over Jonsson (US 6,700,888 B1, Mar. 2, 2004) and Svanbro (US 6,680,921 B1, Jan. 20, 2004).

ISSUE

Based upon our review of the administrative record, we have determined that the following issue is dispositive in this appeal:

Under §103, did the Examiner err in determining that the cited references teach or suggest transferring “the associated payload and payload type header portion, *less than the entire header?*” (Claim 1)(emphasis added)

FACTUAL FINDINGS

1. The Examiner relied on Svanbro to disclose the element of a header compressor configured to compress only relevant portions of the extracted header, the relevant portions comprising the payload type header field, and transferring less than the entire header to the remote unit. (Ans. 11).

2. Svanbro discloses that the header of a packet is applied to a header compressor 28. The header compressor 28 compresses the header information to produce a compressed header 22. The compressed header 22 and payload 23 constitute a packet 21. The packet is transmitted over a radio link. (See col. 4, ll. 9-13; Fig. 2).

ANALYSIS

The Appellants argue that the cited references, most notably Svanbro (FF 1), fail to disclose the limitation of *less than the entire header* being transferred to the remote unit. (App. Br. 15).

Based upon our review of the evidence, we agree.

As noted by Appellants, Svanbro discloses that all of the header information is compressed. (App. Br. 15). According to Svanbro, the time stamp header field is compressed separately from the conventional header compression. (FF 2, Fig. 3). Eventually, both the Time Stamp header and the Conventional header are recombined (Fig. 3, ref. 31, 32).

The Examiner contends that less than the entire header is transmitted because Svanbro discloses transmitting a compressed header. (Ans. 11-12). However, we do not agree with the Examiner's broad interpretation of "less than the entire header," as recited in commensurate form in each independent claim on appeal.

We find that when a header is compressed, the space of the header information is reduced. However, all of the header's original content is still available. Thus, the entire header content still remains.

We find the express language of claim 1 requires that only the *relevant portion* of the extracted header (i.e., the payload type header field) is compressed and transferred along with the associated payload. The remainder of the header's content is not compressed and transferred. (*See* claim 1). Therefore, less than the entire header's content is transferred according to the language of claim 1.

We note that independent claims 7, 9, 17, 25, and 32 recite commensurate limitations. *Cf.* Claim 9 where only the "associated payload" and not the complete header is transferred. Therefore, we find Svanbro fails to cure the admitted deficiencies of Jonsson. (*See* Ans. 4). Accordingly, we reverse the Examiner's rejection of independent claims 1, 7, 9, 17, 25, and 32, and associated dependent claims 2-3, 5-6, 10, 13-16, 18, 21-24, and 26-30.

Appeal 2009-006182
Application 09/987,955

DECISION

We reverse the Examiner's § 103 rejection.

ORDER

REVERSED

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